



# Managing A Workplace Crisis

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## My Background

- 15 years as an Environmental, Health and Safety Manager at United Technologies
- 4 years as Chairman and Chief Administrative Law Judge at the Indiana Board of Safety Review
- 10 years as Chief Deputy Commissioner of Labor and head of IOSHA
- 4 years as a Senior Adviser at Safety Resources



## What is a Workplace Crisis

- How do you define workplace crisis?

For purposes today:

“Any incident involving a fatal injury, multiple serious injuries, or a mass casualty event that requires some type of outside intervention such as police, Fire, EMS, OSHA, or other regulators”



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## Managing a Crisis at your workplace

- Do you have a process delineated to manage a crisis at your worksite?
- Are responsibilities clearly lined out?
- Who leads the process?
- Who talks to Regulators, Family, and the Press?
- On Multi Employer sites, How do subcontractors and the G.C interact?



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## Workplace Crisis Event

- RENDER FIRST AID
- Notify Authorities (911)
- Secure the Accident Scene
- Isolate Witnesses and Video
- Photograph Scene in its entirety
- Limit Employee access to scene and NO CELL PHONE VIDEO
- Employees do not talk to Press on behalf of Company



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## Workplace Crisis Event

- Begin your accident investigation
- Interview witnesses individually as early as possible
- Have witnesses write out their accounts while fresh
- Call IOSHA or OSHA
- Talk to a live person; Email, Texts, and Voice Mail generally do not constitute notification of a fatal event



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## The Investigation

- Typically the local Police or Fire/EMS are first to arrive
- Police will treat the scene as a crime scene and limit access by all other persons
- Coroner may be the next party to arrive
- OSHA often arrives at this point
- This phase can be relatively short or it can be weeks depending on the situation



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## The Investigation

- Once the Police and Regulators arrive, you are no longer in control of the site
- It is a potential crime scene until the authorities conclude otherwise
- You are now a resource for the outside investigation
- Be honest and forthcoming but choose your words carefully
- Always be on the watch for Reporters



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## The Investigation

- Other Agencies may be involved at the Site including:
  - Environmental Protection Agency
  - Military Police
  - Department of Transportation
  - Child Labor Enforcement (State and/or Federal)
  - Mine Safety and Health Administration
  - Coast Guard
  - Tribal Police
  - Centers for Disease Control



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## Five Scenarios

1. Employee operating a scissor lift that overturns when it is inadvertently driven over a ramp in a warehouse
  - Employee falls to his death and dies of a massive skull injury when the unit falls onto the employee
  - No direct witnesses but there is a fuzzy security video
  - Employee was not trained on operation of Lift but he signed for delivery from rental company



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## Lessons

- Small company with no advance planning
- Internal (and IOSHA) investigation showed Employee lack of training on this type of equipment
- Company failed to notify OSHA of fatal accident
- Company withheld video from investigators
- Property owner went with “low bid” and failed to check performance background of responsible subcontractor



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## Five Scenarios

- 2. Skid Steer operator turns and backs up quickly striking a 16 year old “helper” during some preliminary excavation work
- 16 year old dies of blunt force trauma to head and chest
- The deceased is not an Employee (of yours) but the child of the equipment operator working for cash during Spring Break
- Equipment Operator is a regular subcontractor for your company



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## Lessons

- If you are the General Contractor (G.C.), know your subcontractors
- Small contractor with no plan for this type of event
- The G.C was similarly unprepared
- A TV news crew was on site quickly after police. Dramatic video showed deceased with loader still in place
- Comments by GC President on camera were edited in a way that made the company appear to be complicit in the hiring of the 16 year old



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## Five Scenarios

3. Employee of Company B borrows a boom lift from Company A, drives it across the site. Hits an unmarked excavation and is catapulted out of the unit

- Employee of Company B dies of massive head injuries
- You (Company A) have a policy against loaning out equipment
- Deceased Employee has no training on operation of this equipment



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## Lessons

- The General Contractor and Company A are large sophisticated organizations with established Crisis plans.
- All notifications were made on a timely basis
- All three organizations were forthcoming in the investigations
- Company B allowed the GC to be the public face of the incident. Information sharing was orderly and transparent
- None of the Organizations were cited by IOSHA



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## Five Scenarios

4. Two Employees working on a polystyrene grinder before the shift starts in a plant. Female employee falls into the machine and is killed.

- Employee dies of massive head injuries
- The two employees have been romantically linked for about 3 years
- Deceased employee met with Victims Rights Advocate about a restraining order for a stalker former boyfriend



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## Lessons

- The Company did not have a crisis plan
- All notifications were made on a timely basis
- The Company was forthcoming with critical personal information about the deceased and the second employee
- The initial investigation resulted in a Homicide investigation
- In this case, a communications plan would have been helpful. The Employer had knowledge of certain independent facts that when considered in their totality lead police to a person of interest



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## Five Scenarios

5. Employee operating a large Vermeer log chipper is suddenly missing. A closer inspection by Crew leader reveals blood spatter on the chipper and numerous body parts and fragments in the mulch pile

- Employee died of multiple blunt force trauma
- Coroner took 4 weeks to establish identity of the deceased (by DNA)
- Equipment and site were held for duration



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## Lessons

- The Company had no communications plan
- The site supervisor was featured on the evening news appearing to be intoxicated
- The Coroner had to identify the remains by DNA testing
- No formal notifications were made to OSHA and the first call to police was 7 hours after initial discovery
- The Company was already on an OSHA watch list for numerous violations, a prior fatal incident involving the same chipper, and various federal child labor laws violations



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## Lessons

- The wife of the deceased employee appeared on a local news programs extolling the virtues of the company safety program
- The Company ultimately settled with the Department of Labor by admitting to various OSHA and State & Federal Child Safety violations
- The Company has since relocated to Michigan



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## Crisis Management Plan

- Simple and easily executable
- Documented
- Clearly delineated responsibilities
- Crisis Management Team approach



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## Crisis Management Plan Team

- Designate a Senior Person onsite
  - Insures administrative details are handled
  - Press contact
  - Family contact
  - Point person for all external communications



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## Crisis Management Plan Team

- Designate a Team Leader
  - Internal person with oversight of the situation
  - Coordinates all activities with Legal
  - Insures all contacts, OSHA, Insurance Carriers, etc. are informed



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## Crisis Management Plan Team

- Designate a Safety Leader
  - This may be the site Safety Person
  - Responsible for the accident Investigation
  - Primary Liaison to Responders and Regulators
  - Responsible for documentation of incident



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## Planning for a Crisis Event

- Have a plan of what you will do if an event occurs
- Written plans vs. web based applications
- Run a regular practice exercise
- Clearly delineate who is responsible for what duties
- Use a team approach
- Have one person in charge of managing the entire process



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## Planning for a Crisis Event

- Involve Counsel early but use caution making them your spokesperson
- Regularly train all management on how this process works
- Do not destroy or modify equipment or site conditions after an incident
- Document the entire investigation along with complete notes of interactions with witnesses, responders and regulators



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# Questions

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